

BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

In the Matter of:	---	ooOoo---	
	:		STIPULATION AND CONSENT
	:		ORDER
The Ensign-Bickford Company	:		
8305 South Hwy 6	:		
Spanish Fork, Utah 84660-0310	:		
UTD041310962	:		
	:		No:0211027
	:		
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This **STIPULATION AND CONSENT ORDER (CONSENT ORDER)** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), section 19-6-101, et seq., Utah Code Annotated 1953, as amended.

STIPULATION

1. The Ensign-Bickford Company (EBCO) is located near the mouth of Spanish Fork Canyon at the junction of Highways 6 and 89, Spanish Fork, Utah. EBCO is a Connecticut corporation authorized to do business in the State of Utah. EBCO is a generator of hazardous waste. EBCO also has interim status to treat certain wastes by open burning.
2. EBCO is a "person" as defined in the UCA, 19-1-103(4) and is subject to all applicable provisions of the Act and R315 of the Utah Administrative Code (the Rules).

3. Authorized representatives of the Utah Division of Solid and Hazardous Waste (DSHW) conducted a compliance evaluation inspection of EBCO on July 29-30 and August 22, 2002.
4. Findings documented during the 2002 inspections led to the issuance of Notice of Violation and Order For Compliance No. 02009019 (NOV/CO) on October 7, 2002 concerning alleged violations of the Rules.
5. EBCO provided a written response to the NOV/CO on October 28, 2002.
6. EBCO and the Board (the parties) now wish to resolve this matter fully without further administrative or judicial proceedings.
7. The parties admit that the Board has jurisdiction over resolution of this matter.
8. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. None of the stipulations related herein shall be considered admissions by any party, other than Paragraph 7 above, and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER or establishing that conditions and regulatory issues which are the subject of the NOV/CO or this CONSENT ORDER are fully resolved to the satisfaction

of the State.

CONSENT ORDER

9. In full settlement of the Board's alleged and potential claims for violations alleged in the NOV/CO No. 02009019 dated October 7, 2002, EBCO shall pay the sum of _____ Dollars to the Utah Solid and Hazardous Waste Control Board, c/o Dennis R. Downs, Executive Secretary, State of Utah, Salt Lake City, Utah 84114-4880. This amount has been determined using the Board's Civil Penalty Policy as specified in R315-102 of the Rules, which considers such factors as magnitude of the violation(s), degree of environmental harm or the potential for such harm, response and investigation costs incurred by the State, good faith efforts to comply, and other factors. EBCO shall pay this penalty within thirty (30) days of entry of this CONSENT ORDER.

EFFECT OF CONSENT ORDER

10. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against EBCO in the event of a future noncompliance with this CONSENT ORDER or with the Utah Solid and Hazardous Waste Act, the Utah Administrative Code, nor shall the State be precluded in any way from taking appropriate action should such a situation arise at the EBCO Spanish Fork facility. However, compliance with this CONSENT ORDER shall relieve EBCO of all liability for violations alleged in the October 7, 2002 NOV/CO.

11. This CONSENT ORDER shall not in any way relieve EBCO of any obligation to comply with applicable local, State, or Federal laws or regulations.

EFFECTIVE DATE

12. This CONSENT ORDER shall become effective upon execution by EBCO and the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

Dated this _____ day of _____, 2003

The Ensign-Bickford Company

Utah Solid and Hazardous Waste
Control Board

By: _____

By: _____

Name: _____

Dennis R. Downs
Executive Secretary

Title: _____

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